

REMARKS/ARGUMENTS

Claims 23 and 24 are pending. Claims 21, 25-27, 31-34, 38-41, 45-48 and 52 are canceled.

Claims 21, 25-27, 31-34, 38-41, 45-48 and 52 stand rejected as allegedly lacking enablement. Although applicants disagree with this rejection, the aforementioned claims are canceled to further prosecution of this application. Applicants reserve the right to present these claims in another patent application.

Claims 23 and 24 stand rejected under the judicially created doctrine of obviousness double patenting doctrine as allegedly being patentably indistinct from the structure of claim 1 of U.S. Patent No. 5,773,571 (the 571 patent). Applicants traverse the rejection. Compounds according to claims 23 and 24 differ from those according to claim 1 of the 571 patent in at least the linking moiety "A" that connects "L" to "J". In instant claims 23 and 24, for example, the linking moiety is $-\text{C}(\text{O})\text{CH}_2-$. In the 571 patent claim, only formula IIb could arguably provide such a linking moiety. The 571 patent, however, further requires that compositions having formula IIb linkers have either "at least one A group of formula (IIc)" or that "at least one of y or z is not 1 or 2." Each of these limitations places the claims in the 571 patent outside the instant claims. Claims 23 and 24, for example, are not directed to compounds that include a linker of formula IIc, or have a structure where "y" or "z" from claim 1 of the 571 patent are not "1" and "2." Further, instant claim 24 is directed to a peptide nucleic acid incorporated into a liposome. Claim 1 of the 571 application does not disclose a compound incorporated in a liposome. As such, Applicants respectfully request reconsideration and withdrawal of the rejection.

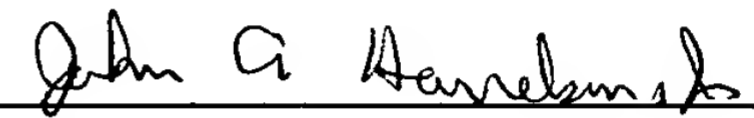
DOCKET NO.: ISIS-3070
Application No.: 09/424,521
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PATENT

Applicants believe the foregoing constitutes a complete response to the Office Action and submit that all pending claims are in condition for ready allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,

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